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No. 04 - 932

Supreme Court, U.S.
FILED
APR 14 2005
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES.

Crisanto Mendonca
Petitioner,

Vs.

Commonwealth Of Massachusetts Supreme Judicial Court Et. Al.,
Respondent,

Petition For Rehearing Denied Writ Of Certiorari To The United States Court Of Appeals For The First Circuit.

PETITION FOR REHEARING.

Crisanto Mendonca
P. O. Box 390944
Cambridge, MA 02139

Dated: April 14, 2005.

ARGUMENT.

The denial of certiorari is not made on merits. State v. Baltimore 338 US 912 (1950). The existince of jurisdiction without hearing is a violation of due process and equal treatment. The 5th and 14th Amendment due process clauses protect a petitioner from being denied certiorari without a hearing at which the petitioner would be informed of the reasons against denial. The hearing need not be a formal hearing. Board of Curators v. Horowitz 435 US 78 (1978). There is no question that the constitution quoted contains an explicit granting of power to the legislature to restrict the SCT's appellate jurisdiction. Ex Parte McCardle 7 Wallace 506, 19 LEd 264

(1869). But, sections 1254 and 1257 do not restrict the SCT's appellate jurisdiction. Instead they permit the SCt to decide which cases it will review "both as to law and fact" under its existing jurisdiction, a power only Congress has under the constitution quoted. The due process clause of the 5th Amendment, which is binding on the federal government, includes not only due process principles but also includes protections against government denials of equal protection. Board of Curators v. Horowitz 435 US 78 (1978). Except to say, the Supreme Court of the United States factors identified in Rule 17 applies in this case, the procedure is from original action Civil Right that the plaintiff filed in the United States District

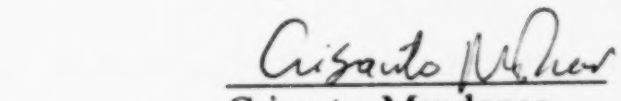
Court civil clerk's office in Boston, Massachusetts, upon the Commonwealth of Massachusetts Supreme Judicial Court discriminated plaintiff the United States Constitution Civil Rights Act of 1866, denied to reconsider denied further appellate review from the Commonwealth of Massachusetts Appeals Court, memorandum and order pursuant to Rule 1:28 judgment, affirmed the Commonwealth of Massachusetts Superior Court Judge Gants, denied the motion with support to reinstate for jurisdiction on the evidence in this case, contrary with the provisions of M. G. L. Chapter 212 section 4, original jurisdiction, and memorandum and order under Rule 1:28 judgment, affirmed the Commonwealth of Massachusetts Superior Court Judge Sosman, okay then we will deal with the exhibits, inappropriate with the provisions of M. G. L.

Chapter 233 section 79G, medical records from the Spaulding Rehabilitation Hospital signed medical Doctor Elaine Woo, and medical records from the Massachusetts General Hospital signed medical Doctor Robert Larger, relevant with the motor vehicle accident on May 15, 1992 under the Commonwealth of Massachusetts General Laws, the petitioner appeal the United States District Court's original jurisdiction, Judge Patti B. Saris electronic order entered denying the motion with support provisions of laws and facts for Rulings judgment, the case is dismissed as this court does not have jurisdiction to review the state proceedings, contrary with the United States Code Title 28 Part IV Chapter 85 section 1331, federal

question. Except to say, the Supreme Court of the United States factors identified in Rule 10 (c) applies in this case, the United States Court of Appeals for the First Circuit judgment entered, the district court correctly concluded that it lacked jurisdiction over plaintiff's action. See Hill v. Town of Conway, 193 F. 3d 33, 39 (1st Cir. 1999) (" 'if the constitutional claims presented to a United States district court are inextricably intertwined' with the merits of a judgment rendered in state court, "then the district court is in essence being called upon to

review the state - court decision. This the district court may not do.' ''). Consequently, we summarily affirm the judgment of dismissal.

Respectfully Submitted,



Crisanto Mendonca
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CERTIFICATE OF PARTY UNREPRESENTED BY COUNSEL.

I, Crisanto Mendonca, on oath depose and say that I, am the Petitioner, victim of the injustice and unequal treatment in this case, as it is presented in good faith and not for delay.

Signed under the pains and penalties of perjury this 14th day of April, 2005.

Crisanto Mendonca